HOME SECRETARIAT

Notification, No. HD 16 PET 75 (11)

Bangalore, dated the 27th July 1976.

G. S. R. 226.—WHEREAS a draft of the rules the Karnataka Excise (Lease of Right of Retail Vend of Beer) Rules, 1976 was published as required by sub-section (1) of Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1965) in Notifiation No. G.S.R. 179 (HD 16 PES 76 (11) dated 30th June 1976) in Part IV Section 2-C (i) of the *Karnataka Gazette* (extraordinary) dated 30th June 1976 inviting objection and suggestions from all persons likely to be affected thereby before 15th July 1976 ;

AND, WHEREAS the Gazette was made available to the public on 30th June 1976 ;

AND, WHEREAS, no objections or suggestions have been received on the said draft by the State Government.

NOW, THEREFORE, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, namely ;—

THE KARNATAKA EXCISE (LEASE OF RIGHT OF RETAIL VEND OF BEER) RULES, 1976.

1 **Title, extent & commencement.**—(1) These Rules may be called the Karnataka Excise (Lease of retail vend of Beer) Rule, 1976.

2. They shall extend to the whole of the State of Karnataka.

3. They shall come into force from 1st July 1976.

2. **Definition** :—In these rules, unless the context otherwise requires,

(a) "Act" means the Karnataka Excise Act, 1965 ;

(b) "Beer" means any liquor prepared from malt or grain with or without the addition of sugar and hops and includes ale, black beer, porter, stout and spruce beer ;

(c) "Form" means a form appended to these rules ;

(d) "Licence" means a licence issued under these rules ;

(e) "Year" means Year commencing on the first day of July and ending June 30th ;

(f) "Shop" means the shop licenced for retail vend of Beer under these rules, -

(g) "Lease" means a lease granted under these rules for retail vend of Beer in a Shop.

3. **Lease of Retail Vend of Beer.**—A person desiring to obtain a lease for retail vend of Beer under these rules, may make an application to the Deputy Commissioner in Form. I. The application shall be accompanied by a Treasury Challan for having credited the lease amount prescribed in rule, 5.

4. **Grant of Lease of Retail Vend of Beer.**—On receipt of the application under rule 3, the Deputy Commissioner may after making such enquiry for purpose of verification of the particulars furnished by the applicant and if he is satisfied that there is no objection to lease the right of retail vend of Beer, he may with the previous sanction of the Excise Commissioner, grant the lease.

5. **Lease Amount.**—The lease amount for the right of retail vend of Beer shall be Rs. 500 per annum.

6. **Duration of Lease.**—The lease shall be for a period of five years subject to annual renewal subject to good behaviour and payment of lease amount of Rs. 500 per annum.

7. **Licence.**—On granting lease under rule 4 of the Deputy Commissioner shall issue a licence to the licensee in Form No. II. The said icence shall be subject to the cond tions specified thereon.

8. **Duration of Licence.**—A Licence shall be valid for the year or where a licence is obtained on any date after the first July until the 30th June thereafter.

9. **Renewal of Lease.**—A Lessee in whose favour the lease has been granted desiring to renew the lease on expiry of the lease, may make an application in Form No. I to the Deputy Commissioner at least one month before the extiry of the lease already granted. The application shall be accompanied by a Treasury challan for having credited the lease amount prescribed in rule 5.

10. **Grant of Renewal of Lease.**—On receipt of application under rule 9, the Deputy Commissioner may grant the renewal of lease.

11. **Renewal of Licence.**—On grant of lease under rule 10 to the lessee, the Deputy Commissioner shall renew the license for the period mentioned in the lease. The renewal shall also be in Form No. II.

12. **Cash Security.**—The leassee before grant of a licence shall furnish a cash security of Rs 1000 or Government Securities or the Securities recognised by the Government for fulfilment of licenced conditions.

FORM No. I

(*See* Rule 3)

Application For Grant of Lease

1. Name and address of the Applicant ...	

2. If the applicant is a company or firm the names and addresses of the Directors or Partners of Company or Firm ...	
3. The location of the premises where applicant intends to conduct the business under a lease. ...	
4. Whether a lease amount of Rs. 500 prescribed under these rules is paid ; if so the application shall be accompanied by a Treasury Challan for having credited the lease amount prescribed in rule 5 ...	

Place :
Date : Applicant.

FORM No. II
(*See* Rule 7)
Part-A

Licence for the retail sale of Beer

1. Registration No.	
2. Name of the Licence ...	
3. Name of the Agent or Vender	
4. Locality : (a) Town (b) Street (c) Door No.	

I.....the {Deputy Commissioner..... .....District consideration of the payment of the prescribed lease amount of Rs. 500 (Rupees Five hundred only) do hereby authorise Shri..... .....S/o Sri.....residing at.....to sell beer at premises No..... ... ...situated in.....subject to the conditions prescribed in Part 'B' appended below ;

Schedule showing the Boundaries of the Beer Shop

Street, Door No. and other particulars	Rounded on the				Remarks
	North-by	East-by	South-by	West-by	

Seal
Place
Date

.....
Deputy Commissioner,
.....*District.*

By Order and in the name of the Governor of Karnataka.

M. P JAYASHANKARA ARADHYA,
Under Secy. to Govt., H.D.

CONDITIONS

(1) The Licensee shall be bound by the provisions of the Karnataka Excise Act, 1965 and any general or special rules prescribed or which may from time to time be prescribed thereunder.

(2) The privilege under this licence is restricted to sale of Beer only.

(3) The holder of this licence shall upon requisition by any Officer not below the rank of Sub-Inspector of Excise be bound to produce before such Officer the original Invoice showing the purchase of Beer for the sale of which this licence is granted for inspection and to give samples of Beer in the shop to be tested.

(4) The Licensee is bound to maintain separate correct accounts of daily transactions of each brand of Beer and submit the returns monthly to the jurisdictional Inspector of Excise within the first week of the next following month.

(5) The Licensee shall use metric measures only approved by the Weights and Measures Department.

(6) The License shall not transferable without the previous sanction of the Excise Commissioner.

(7) The agent or the Vendor, as the case may be shall equally with the License holder be responsible for breach of any of the conditions of the licence.

(8) The shop shall have only one door both for entry and exit.

(9) The Licensee shall fix in a conspicuous place outside his shop a Board on which shall legibly be painted his name, number of his shop and the article he is licensed to deal in.

(10) If a Vendor opens a cask of a particular brand of Beer and puts on tap, he should not open another cask of the same brand until the previous cask is emptied.

(11) The Licence may be suspended or cancelled in accordance with the provisions of Section 29 of the Act and the Licensee or his employee shall be liable for prosecution of breach of any conditions of licence under the provisions of the Act or the rules and orders passed thereunder.

(12) The licence shall continue to be in force till 30th of June.....

(13) Beer shall be sold only for consumption in the premises.

(14) The opening and closing hours of the shop of sale of beer shall be from 9-30 A.M. to 9-30 P.M.

....,

Deputy Commissioner,
District.

FORM NO. III

[*See* Rule 11]

APPLICATIONS FOR RENEWAL OF LICENCE

1. Name and address of the applicant ...	
2. If the applicant is a company or Firm the names and addresses of the Directors or Partners of Company or Firm	
3. The location of the premises where the applicant conducting the business under a lease	
4. Whether the applicant/firm is licenced to vend Beer under the Karnataka Excise (Lease of right of retail vend of Beer) Rules, 1976 ;	
5. Particulars of licence held by him/ them for retail vend of Beer.	

Place :

Date : *Applicant.*

FORM No. IV

Form B. P. No. 1 For sale of beer in Brand.....

Account book of.....Licence holder/retail in Toddy shops.

Month	Date	Opening Balance	Receipts			Total	Issues	Closing Balance	Remarks
		Bulk Bottles	From whom	Permit No. and Date	Quantity Bulk Bottles	Bulk Bottles	Bulk Bottles	Bulk Bottles	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Signature of the license Holder